CLASSIFICATION OFFICE DECISION

Title of publication: rec3.mpg

Other known title(s): Not stated

OFLC ref: 0901031.000

Medium: Computer Moving Image File

Director: Not stated

Producer: Not stated

Country of origin: Not stated

Language: English

Applicant: The District Court at Manukau

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

Excisions: No excisions recommended

Descriptive note: None

Display conditions: None

Date of entry in Register: 17 August 2009

Date of direction to issue a label: No direction to issue a label has been issued

	Components	Running time
Timed component(s):	rec3	2:16
Total running time:		2:16

Summary of reasons for decision:

The computer moving image file consists of a short clip that explicitly depicts a young African-American woman performing fellatio on a partly-seen man. Because the material is overprinted with a website name suggesting that the woman participant is a young person, the question of whether the file promotes or supports, or tends to promote or support, the exploitation of young

persons for sexual purposes has been considered. The woman appears to be a young adult. Therefore, the moving image file does not fulfil the above criteria. However, the material is intended for the purpose of sexual arousal and is likely to have a negative effect on the development of sexual behaviour and attitudes of young viewers.

The New Zealand Bill of Rights Act 1990 has been considered in the application of the criteria of the Films, Videos, and Publications Classification Act 1993 to this publication. The classification places a limit on the freedom of expression, but the availability of the moving image file to children and young people is likely to be injurious to the public good. The classification is reasonable, demonstrably justifiable and the minimum required to avoid injury.